like the Negroes,

they cut more land for banana production, but unlike Negroes they always maintained a large reserve for subsistence agriculture. They are in the money economy but not yet of it. The Cayapa are not a completely open peasant community. Movement into the Cayapa cultural community is limited to born Cayapa and boundary maintenance is structured in terms of language and culture. A true picture, however must view the Negro and Indian sectors as parts of a larger unit. The national government views the Cayapa as a corporate body with certain rights which do not pertain to the open peasant Negro communities in the area. The Cayapa are held by the government to be the owners of the land (which is ill-defined and not surveyed) and all outsiders must purchase land from them. This tends to emphasize the commercial character of the open peasant communities and [illegible] justified in calling them banana farmers. They must invest capital in farm land to increase production. The Cayapa need not do so. If the Cayapa requires more land, he may buy it to be sure, but he can also cut it out of the forest. However, as yet he tends not to increase his production at the behest of

[P.189]

CHAPTER V

LAND, PROPERTY AND INHERITANCE

Land is the basis of the Cayapa economy. The region, undefined and unsurveyed, has been deeded to the Cayapa as a tribe. Negroes and Whites who desire land must purchase it from an Indian in order to have a clear title. The title is for the land itself and not just for usufruct. The Cayapa may obtain land by cutting it out of the virgin forest (monte jivaro), he may buy it or he may inherit it. More land is available for subsistence farming than for other purposes. For the cash crop of bananas the land must be of good quality, well drained, and within easy access of a navigable stream that flows into the main river body traveled by La Propaganda, the banana buyers. In addition, the grower must be able to meet the banana boat on schedule. A stand of rubber trees will also increase the value of the land. Rubber is sold in Colombia where, traditionally, the price is higher than in Ecuador and retail prices on consumer items wanted by the Cayapa are cheaper. Once a year, as a rule,

245
[262]
[342]
[313]

diet now, but the leaves are in demand for roofing material. Another cash crop is hardwood trees, but they are not often planted; enterprising individuals cut them out of the unclaimed forest.

423
[484]

Land is seldom held in one large block. It is usually scattered about among other holdings so that, quite often, choice properties are separated by distances involving several day's travel. Many Cayapa have two houses, each built as close as possible to their main holdings. Inevitably, they must spend considerable time away from large sections of their property and, as a result, Negroes often illegally harvest standing crops or, perhaps, plant their own. Negroes may buy land from the Cayapa, but as the banana economy continues to boom, the Indians are more and more reluctant to sell. Sometimes usufruct is rented by the Negro, usually for a share of the profits, but arguments invariably develop. It is said that the Indian is always at a disadvantage in his dealings with the Negro because of the latter's readiness to engage in witchcraft and "spoil" the land for the Indian owner. If several members of an Indian's family sicken or die, after a recent quarrel with a Negro about land, it is assumed that witchcraft has been

[361]
[342]

423
177

[425]

[427]

423
177
754
425

423
197
754
425

at work and that the land is spoiled. The Indian will then sell the land for the best price offered but will often take a lower price to avoid selling to the Negro held to be responsible for the witchcraft.

428
423
593

Sometimes, boys and young men are given sections of land as advance inheritances which they work as they wish, and their work validates their claim to the inheritance. Generally, only those children who have consistently helped the parents work the land are entitled to inherit. Ill will between parents and children need not enter into consideration at all. Maximino Añapa, for example, a son of Marianito Añapa of the Río Canaroses, as a very young child was sent to live with his mother's brother in Muisne on the coast, possibly to get him away from an influenza epidemic in the inland area. He stayed with his uncle for many years and helped him work the land; later he cut some out for himself. He used to return to his parents' home for visits of varying lengths of time, but the main attraction for him, however, seems to have been the school at Borbón. When needed, he helped his father work the land; however, he will not inherit any of the land because he said that it had all been promised to his brothers. Since he

[164]

423
428
578

principles themselves and constructive notice seems to have been drawn from the circumstances known to all of the potential buyers. Romulo wanted to sell all of the land but actually was offered, and accepted payment for, only half. He alone believed that he had the right to make a conditional sale of all of the land to Marianito. Trivinio made no pretense of selling more than half and did not object to Romulo's selling the other half, a recognition of the principle, at least in part, that work validates ownership of the land. The issue, however, was moral, rather than legal and since it was not completely resolved, Romulo and Trivinio have become life-long enemies. Marianito, who bought half the land, will not leave any to his son Maximino, precisely because Maximino has not been readily available to help work the land.

Although ownership of land is validated by use, it is not necessary for property to be in continual use to validate ownership. A person may have clear title, either through purchase, inheritance, or by clearing the land from <u>monte library</u>, which will be recognized by his contemporaries, but as land is never registered,

423
425
[428]

except when sold to a Negro or a White. If it is seldom used, the children and grandchildren may not be certain of the ownership and of the boundaries. Such problems may be resolved fairly easily if older people with knowledge of the original land transactions can be consulted, but the presence of such people, of course, can never be guaranteed. Land that is not in active use is always in jeopardy as illustrated in the following case.

423
428
[425]

Buru Cimarrón attempts to claim land sold illegally by his father. Many years ago, the father of Buru Cimarrón sold some land that actually belonged to the father of Romulo Allapa. The purchaser was another Indian. When the real owner of the land was told of the sale he protested to the chief, who sent up a commission to get Buru's father. Buru was a child at the time. During the proceedings, his father remained silent, although he was ordered to pay both the one hundred sucres that he had received from the sale and was then fined thirty sucres which went to the chief.

423
685

Some years later when both fathers were dead, Buru tried to claim the land. He and Romulo fought at

423
627

hundred sucres, but did not. During Christmas at Punta Venado, they were approached again, again agreed to pay, but failed to do so. Antonito later came to their house up the Río Cameronas and then they paid the money.

The land is now the joint property of Ciro and Santiagueño, and they have clear title. The question of whether the one hundred sucres conveyed title by a sale, or served as a quitclaim is moot. Given the nominal price and the cloudy state of Antonito's ownership, the transaction could best be viewed as a quitclaim.

Indians seldom register land in their names, but if they sell land to a Negro, the transaction is usually registered at the insistence of the purchaser for his protection. Consequently, the Cayapa is never required to show proof of ownership; his statement that he owns the land for sale is sufficient. Some Cayapa find the prospect of selling another man's land, without his permission and knowledge, a beguiling one, and rumors are constantly being circulated of one or another Cayapa thinking of doing it, doing it, or perhaps having completed the transaction. In any event, the hurling

423
685

[425]

423
685
425
177
203
626

680

685
627
423

settled for thirty sucres.

Given this very low settlement Chapiro probably made at least two hundred sucres. It would appear that the interloper can realize most of his profits from illicit rubber tapping, while the owner of the trees can only plead res sulga for not having been there first! Nuru Cidarrón had been "outraged" by the theft of the rubber, nevertheless one wonders what he was doing in the vicinity of his brother-in-law's trees. Similarly, Santiaguano could only have seen Chapiro "skulking" if he too, had been in the vicinity of the trees. Everyone seems to have had a bit of larceny in mind.

685
423
425

It is seen that in terms of land, work, and rubber, cultivation is not only a means of producing foodstuffs but of authenticating ownership as well. Thus, the individual who appropriates part of someone else's land is permitted, as a rule, to benefit from the act to the extent of his invested labor; if the purported owner accepts the appropriation without protest, that is, without indicating his own intention and desire to work the land, then the ownership of the

685
423
425

685
422
[423]

[674
755]

land is accaded to the cultivator. The theft of rubber appears to be more an indication of industry than of wrongdoing, and whatever criminal aspects exist are usually expiated by the sharing of the profits.

The stealing of pigs, however, is in a totally different category. Unlike land, there is never a clouded title to the ownership of the animals, and unlike land, the fact of ownership of the animals is sufficient to establish the owner's legal rights. Pigs are not worked as is land, and increased production is left entirely up to the pigs. No matter how hard a pig thief may work--and, sometimes, he must run for miles across difficult country to round up the animal(s)--his industry brings him no rewards when he is caught, because he has contributed no productive labor. As a matter of fact, pig-stealing is recognized as an offense, although the thief may not be punished. The following case is illustrative of this point.

The owner of stolen pigs tracks down the thief. Lorenzo Arapa became ill some time in 1957 and went to Esmeraldas Grande to consult the Mat'sí, Jacinto, who is a curer. The treatment lasted two weeks. When Lorenzo